IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 1 OF 2002

RANGANATH GANAXAMA SINAI CACODKAR & ORS. ....Appellants

Versus

CAXINATHA GANAXAMA SINAI CACODKAR & ORS. ....Respondents

Mr. M.B. D'Costa, Sr. Advocate with Mr. J.A. Lobo, Advocate for the Appellants.
Mr. F.M. Reis, Advocate for R.1 and 2.

Coram:- V.C. DAGA, J.

Date:- 4th August, 2006

P.C.:

Heard rival parties.

The impugned order is dated 5th September, 2001, passed in a suit filed in the year 1996. This Appeal from Order was filed somewhere in the year 2003. Past four years this appeal is pending only for admission. No interim relief is operating in favour of the appellants. Almost for past ten years, the suit is pending.

2. I am told, during the pendency of this appeal, suit was dismissed for want of prosecution. The parties now inform me that the suit has been restored. In these circumstances no useful purpose would be served by entertaining this appeal. Justice would lie in directing the trial Court to dispose of the suit as expeditiously as possible, at any rate within a period of six months from the date of receipt of the copy of the order of this Court.

3. Needless to mention that the trial Court shall decide the suit on its

own merits and uninfluenced by the observations made in the impugned order. All rival contentions on merits are kept open.

Appeal from Order stands disposed of in terms of this order. No order as to costs.

V.C. DAGA, J.

sl.